

United States District Court
For the District of Massachusetts

"FILED IN OPEN COURT"

4-20-05

CIVIL ACTION NO.: 2005-10530-JLT

2L

MOUNTAIN PEAKS FINANCIAL)
SERVICES, INC.,)
PLAINTIFF)
JUDGMENT CREDITOR,)
v.)
PHILIP B. McADAM,)
DEFENDANT)
JUDGMENT DEBTOR.)

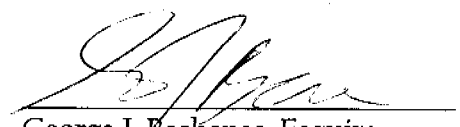
AFFIDAVIT OF COUNSEL

Now comes George J. Basbanes, Attorney for Philip B. McAdam, under oath deposes and says:

1. An examination of the pleading indicates that the Plaintiff is not a resident of the Commonwealth of Massachusetts but is apparently a corporation operating out of Colorado.
2. The Defendant is a resident and domiciliary of the State of New Hampshire.
3. The Defendant has no interest in the Commonwealth of Massachusetts but does live and own property in the State of New Hampshire.
4. An examination of the pleadings indicates that no Federal question is presented.
5. There is on file in the Essex Superior Court an action entitled Dana P. McAdam v. Cushing & Dolan, P.C., et al in which the Plaintiff herein is a named Defendant. Copy of said pleading is hereto attached.
6. From an examination of the pleadings and available documents, it appears that the only basis for Federal Court jurisdiction is an Execution issued by the District Court of Lawrence and that the attorney for the Plaintiff maintains his office in Boston, Massachusetts.

Signed under the pains and penalties of perjury.

Dated: April 19, 2005


George J. Basbanes, Esquire